

MINUTES
BOONE COUNTY FISCAL COURT
Boone County Administration Building
Fiscal Courtroom (1st Floor)
Burlington, Kentucky
Tuesday, April 17, 2007
5:30 P.M.

ITEM I.

CALL TO ORDER

Judge Gary W. Moore called to order the meeting of the Boone County Fiscal Court.

Present: Gary W. Moore, County Judge/Executive
Cathy H. Flaig, Commissioner, District 1
Charles E. Kenner, Commissioner, District 2
Terri Moore, Commissioner, District 3
Bob Neace, County Attorney
Jeff Smith, Assistant County Attorney

Staff: Lisa Buerkley, County Treasurer
Robin Curry, Assistant County Administrator
Tim Williams, Assistant County Administrator
Major Ben Huff, Sheriff's Department
Melanie M. Morris, Executive Assistant
Jeffrey S. Earlywine, County Administrator/Deputy Judge/Executive
Louis Kelly, Fiscal Court Clerk
Greg Sketch, County Engineer

ITEM II.

APPROVAL OF MINUTES

Commissioner Flaig moved, seconded by Commissioner Moore, to approve the Minutes from the meeting of April 3, 2007. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

ITEM III.

DELEGATIONS

Judge Moore issued a proclamation declaring April 17, 2007 as "Boone County Water Rescue Day."

ITEM IV.

PERSONNEL MATTERS

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-60, a Resolution of the Boone County Fiscal Court appointing various seasonal employees to the position of Laborer I in the Public Works Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV A)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-61, a Resolution of the Boone County Fiscal Court authorizing various seasonal appointments at the Golf Courses. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV B)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-62, a Resolution of the Boone County Fiscal Court appointing Nancy Hawkins, Daniel Smith, and Kathryn Wood to the position of part-time kennel technician at the Boone County Animal Shelter. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV C)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-63, a Resolution of the Boone County Fiscal Court authorizing various seasonal appointments in the Boone County Parks Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV D)

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Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-64, a Resolution of the Boone County Fiscal Court authorizing various appointments for referee/scorekeeper positions in the Boone County Parks Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV E)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-65, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to appoint various summer interns in the Finance Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV F)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-66, a Resolution of the Boone County Fiscal Court appointing Jessie Wiley to the position of Accounts Payable/Accounts Receivable Clerk in the Finance Department. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit IV G)

ITEM V.

ORDINANCES

Second Reading, RJ Construction Zone Change

Second reading was given for an ordinance of the Boone County Fiscal Court approving, with conditions, for a request of ECE, Inc. (applicant) for RJ Construction Group, Inc. (owner) for a zoning map amendment, such zoning map amendment being a zone change from Agricultural Estate (A-2) to Rural Suburban Estates (RSE) for an 11.27 acre site generally located on the south/east side of Richwood Road, to the immediate south/west of the property at 865 Richwood Road, and approximately 525 feet to the north/east of the Richwood Road/Chambers Road Intersection, Boone County, Kentucky.

Following second reading County Administrator Jeff Earlywine introduced a letter dated 4-9-07 from the developer which stated that they had agreed to bring the private road in the proposed subdivision up to the county specifications and allow the road to come under county maintenance. The developer requested, however, that he be allowed to build 11 lots in the subdivision, including a flag lot labeled lot #2.

Mr. Earlywine stated that he believed the developer's request for 11-lots was reasonable but that the Court should place a condition on approval that the house built on the flag lot (#2) would be required to front on to Chambers Road.

Commissioner Kenner moved, seconded by Commissioner Flaig to approve the Ordinance subject to the condition that the road is built up to County specifications and allowed into County road maintenance and that lot #2 is fronted on Chambers Road in addition to all other conditions included in the Planning Commission report. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit V A)

First Reading, Flood Plain Update

First reading was given for an Ordinance replacing the current Chapter 151 of the Boone County Code of Ordinances with a new updated Flood Damage Prevention Ordinance in accordance with KRS 67.083(3)(i) and 67.084.

MINUTES
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Second reading for this ordinance was tentatively scheduled for the May 15th meeting.

ITEM VI.

JUDGE'S REPORT

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-67, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, re-appointing Greg Breetz to the Aviation Noise Abatement Committee. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI A)

Commissioner Kenner moved, seconded by Commissioner Moore to approve Resolution 07-68, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Lona J. Valentine to the Mental Health, Mental Retardation, Senior Citizens Tax Advisory Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI B)

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-69, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing William T. Kinnett to the Walton Fire Protection District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI C)

Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-70, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Wade Williams to the Boone County Urban Forest Commission. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI D)

Commissioner Moore moved, seconded by Commissioner Kenner to approve Resolution 07-71, a Resolution of the Boone County Fiscal Court approving the action of Gary W. Moore, County Judge/Executive, appointing Andrea J. Walton to the Bullock Pen Water District Board. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VI E)

ITEM VII.

OLD BUSINESS

There was no old business before the Court at this meeting.

ITEM VIII.

ADMINISTRATIVE MATTERS

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-72, a Resolution of the Boone County Fiscal Court authorizing the closure and right-of-way vacation of an unnamed portion in the first addition to Highland Acres subdivision. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII A)

Commissioner Flaig moved, seconded by Commissioner Moore to approve Resolution 07-73, a Resolution of the Boone County Fiscal Court authorizing Gary W. Moore, County Judge/Executive, to sign and execute any and all documents related to, and to approve the annual update to the Assisted Housing Five Year Plan. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII B)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-74, a Resolution of the Boone County Fiscal Court awarding the bid for Renovation of the Judicial Center

MINUTES
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second Floor to Carrera Construction. Judge Moore noted that this construction, while supervised by the county, was being paid by the Administrative Office of the Courts because it was for the purpose of staffing Court of Appeals Judge Joy Moore. Judge Moore disclosed that Court of Appeals Judge Moore was his wife and therefore would abstain from voting on this issue to avoid the appearance of impropriety even though no county funds were being appropriated. Judge Moore called the vote, MOTION PASSES (3-0). (Exhibit VIII C)

Commissioner Moore moved, seconded by Commissioner Flaig to approve Resolution 07-75, a Resolution of the Boone County Fiscal Court awarding the bid for construction of sidewalks on Rogers Lane to R.A. Miller Construction. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII D)

Kroth Lane right-of-way vacation

County Engineer Greg Sketch addressed the Court and stated that the County wished to vacate a surplus excess piece of right of way on Kroth Lane to the abutting property owner. Mr. Sketch noted that the excess right of way, along with an additional 10 foot strip would be sold to a developer to allow new housing.

County Administrator Jeff Earlywine stated that as a condition of vacating the right of way, there was an agreement that the right of way vacated by the Fiscal Court could not be sold by the abutting property owner for any more than the amount it cost to purchase the land from the County. He also noted that the potential developer would agree to place a pedestrian corridor near the development.

Following these statements Commissioner Flaig moved, seconded by Commissioner Kenner to approve Resolution 07-76, a Resolution of the Boone County Fiscal Court declaring a portion of the right-of-way of Kroth Lane as surplus excess property and authorizing the disposition of the property pursuant to KRS 67.0802(1). Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII E)

Commissioner Kenner moved, seconded by Commissioner Flaig to approve Resolution 07-77, a Resolution of the Boone County Fiscal Court declaring certain property as surplus property. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0). (Exhibit VIII F)

ITEM IX.

NEW BUSINESS

Judge Moore acknowledged that the County had received a Kentucky Land Heritage Council Grant in the amount of \$292,000 for purchase of the Volpenheim property.

ITEM X.

FISCAL MATTERS

Commissioner Kenner moved, seconded by Commissioner Moore, to approve an invoice report dated 04-13-07 and a prepaid invoice report dated 04-06-07. Judge Moore called for a vote on the motion, ALL PRESENT VOTING AYE (4-0).

Commissioner Moore moved, seconded by Commissioner Kenner to approve Court Order #6, a fiscal order of the Boone County Fiscal Court authorizing transfers in the amount of \$78,034 within the adopted Fiscal Year 2006-2007 Budget.

MINUTES
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Tuesday, April 17, 2007
5:30 P.M.

ITEM XI.

ADJOURNMENT

Commissioner Flaig moved, seconded by Commissioner Moore, to adjourn the meeting, ALL PRESENT VOTING AYE (4-0). The meeting was adjourned at 6:37 p.m.

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CLERK CERTIFICATION

I, Louis Kelly, having been appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Boone County Fiscal Court at the meeting of April 17, 2007.

Louis Kelly
Fiscal Court Clerk

Date: _____